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9 **BEFORE THE**  
**RESPIRATORY CARE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. R-2115

13 LAWRENCE P. CALAUNAN  
833 Mt. Olive Drive  
14 Duarte, California 91010

**A C C U S A T I O N**

15 Respiratory Care Practitioner License No. 24169

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

20 1. Stephanie Nunez (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Respiratory Care Board of California,  
22 Department of Consumer Affairs (Board).

23 2. On or about February 15, 2005, the Board issued Respiratory Care  
24 Practitioner License Number 24169 to Lawrence P. Calaunan (Respondent). This license was in  
25 full force and effect at all times relevant to the charges brought herein and will expire on July 31,  
26 2009, unless renewed.

27 JURISDICTION

28 3. This Accusation is brought before the Board under the authority of the

1 following laws. All section references are to the Business and Professions Code (Code) unless  
2 otherwise indicated.

3 4. Section 3710 of the Code states: "The Respiratory Care Board of  
4 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter  
5 8.3, the Respiratory Care Practice Act]."

6 5. Section 3718 of the Code states: "The board shall issue, deny, suspend,  
7 and revoke licenses to practice respiratory care as provided in this chapter."

8 6. Section 3750 of the Code states:

9 "The board may order the suspension or revocation of, or the imposition of  
10 probationary conditions upon, a license issued under this chapter, for any of the following  
11 causes:

12 "...

13 "(j) The commission of any fraudulent, dishonest, or corrupt act which is  
14 substantially related to the qualifications, functions, or duties of a respiratory care  
15 practitioner.

16 "..."

17 7. Section 3750.5 of the Code states:

18 "In addition to any other grounds specified in this chapter, the board may deny,  
19 suspend, or revoke the license of any applicant or license holder who has done any of the  
20 following:

21 "(a) Obtained or possessed in violation of law, or except as directed by a licensed  
22 physician and surgeon, dentist, or podiatrist administered to himself or herself, or  
23 furnished or administered to another, any controlled substances as defined in Division 10  
24 (commencing with Section 11000) of the Health and Safety Code.

25 "..."

## 26 COST RECOVERY

27 8. Section 3753.5, subdivision (a) of the Code states:

28 "In any order issued in resolution of a disciplinary proceeding before the board,

1 the board or the administrative law judge may direct any practitioner or applicant found to have  
2 committed a violation or violations of law to pay to the board a sum not to exceed the costs of the  
3 investigation and prosecution of the case."

4 9. Section 3753.7 of the Code states:

5 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall  
6 include attorney general or other prosecuting attorney fees, expert witness fees, and other  
7 administrative, filing, and service fees."

8 10. Section 3753.1, subdivision (a) of the Code states:

9 "An administrative disciplinary decision imposing terms of probation may  
10 include, among other things, a requirement that the licensee-probationer pay the monetary costs  
11 associated with monitoring the probation."

12 CONTROLLED SUBSTANCE

13 11. Marijuana is a Schedule I controlled substance pursuant to Health and  
14 Safety Code Section 11054.

15 FIRST CAUSE FOR DISCIPLINE

16 (Possession of a Controlled Substance)

17 12. Respondent is subject to disciplinary action under section 3750.5,  
18 subdivision (a) of the Code, in that he possessed the controlled substance marijuana. The facts  
19 and circumstances are as follows:

20 A. On or about September 26, 2005, a Monterey Park police officer observed  
21 that Respondent was not wearing a seat belt while driving his vehicle. The police officer  
22 conducted a traffic stop. As the officer approached Respondent's vehicle, he detected a  
23 strong odor of marijuana coming from the vehicle. In response to the officer's questions,  
24 Respondent admitted that he had been smoking marijuana, and told the officer there was  
25 marijuana in the glove box of his vehicle. The officer found a plastic bottle containing a  
26 green leafy substance resembling marijuana in the glove box. Respondent was issued a  
27 Notice to Appear.

28 B. On or about November 17, 2005, in Los Angeles County Superior Court

1 Complaint No. 5AL04686, Respondent was charged with driving a motor vehicle with  
2 privilege suspended or revoked, in violation of Vehicle Code section 14601.1(a), a  
3 misdemeanor (Count 1), and possession of 28.5 grams or less of marijuana, in violation  
4 of Health and Safety Code section 11357(b), a misdemeanor (Count 2).

5 C. On or about November 23, 2005, the court ordered the complaint amended  
6 to add the charge of unlicensed driver, in violation of Vehicle Code section 12500,  
7 subdivision (a), a misdemeanor (Count 3). On or about November 23, 2005, Respondent  
8 was convicted upon his plea of guilty to driving without a valid driver's license (Count  
9 3). As to Count 2 of the complaint, possession of marijuana, the court ordered  
10 respondent to complete 10 Narcotics Anonymous meetings. Count 1 of the complaint  
11 was dismissed. On or about January 24, 2006, Count 2 of the complaint was dismissed  
12 upon proof by respondent of completion of 10 Narcotics Anonymous meetings.

### 13 SECOND CAUSE FOR DISCIPLINE

14 (Commission of a Fraudulent, Dishonest, or Corrupt Act)

15 13. Respondent is subject to disciplinary action under Code section 3750,  
16 subdivision (j), in that he committed a fraudulent, dishonest or corrupt act substantially related to  
17 the qualifications, functions, or duties of a respiratory care practitioner. The circumstances are as  
18 follows:

19 A. On or about June 21, 2007, the Board received Respondent's respiratory  
20 care practitioner license renewal application. Respondent answered "No" to the question  
21 regarding whether since he last renewed his license, he had been convicted of, diverted  
22 for, or pled guilty or nolo contendere/no contest to any violation of any law. On or about  
23 June 18, 2007, Respondent signed the license renewal application declaring under penalty  
24 of perjury that the information on the application was true and correct. He thereafter  
25 submitted the license renewal application to the Board. As Respondent was well aware at  
26 the time he signed this license renewal application, his answer was false by virtue of his  
27 conviction as set forth in Paragraph 12 above.  
28

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

4 1. Revoking or suspending Respiratory Care Practitioner License Number  
5 24169 issued to Lawrence P. Calaunan;

6 2. Ordering Lawrence P. Calaunan to pay the Respiratory Care Board the  
7 costs of the investigation and enforcement of this case, and if placed on probation, the costs of  
8 probation monitoring; and

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: December 11, 2007

11  
12  
13 Original signed by Liane Zimmerman for:  
14 STEPHANIE NUNEZ  
15 Executive Officer  
16 Respiratory Care Board of California  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
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